

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – Panchayat Raj Engineering Department – Sri Y. Subbaiah, Assistant Executive Engineer, Panchayat Raj, O/o. Executive Engineer, V&QC Division, Purchuru, Prakasam District – Regularize the interruption period from 01.10.2007 to 17.03.2009 as leave for the purpose of service and other benefits – Permission – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (E.I) DEPARTMENT

G.O.RT.No. 806

Dated: 05-12-2017.

Read the following:

- 1) G.O. Ms. No.71, Panchayat Raj & Rural Development (E.III) Department, dated:09.03.2009.
- 2) From the Hon'ble A.P. Administrative Tribunal, Hyderabad order dated: 19.04.2016 in OA No.8406/2013 filed by Sri Y. Subbaiah, A.E.E(PR).
- 3) From the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh letter No.Ser.II(2)/42010/2005, dated:24.06.2016.

ORDER:

The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh in the letter 3rd read above has stated that Sri Y. Subbaiah was appointed as Technical Work Inspector Grade I during the year 1991. He joined in Panchayat Raj Engineering Department on 23.4.1991. Subsequently he was promoted as Assistant Executive Engineer on 1.11.1994. Later he resigned from service voluntarily w.e.f. 30.09.2007 on personal grounds. Accordingly his resignation was accepted by the Engineer-in-Chief (PR) under Rule 30(a)(c) of APS&SS Rules.

2. The Engineer-in-Chief, Panchayat Raj, A.P has further stated that Sri Y. Subbaiah has made representation requesting to re-appoint him as Assistant Executive Engineer in P.R. Engineering Department. His case has been examined and re-appointed him as Assistant Executive Engineer vide G.O. 1st read above, subject to the provisions laid down in sub rule (b) read with sub rule(c) and (d) of Rule 30 of APS&SS Rules. He joined duty as Assistant Executive Engineer in PRED on 17.3.2009.

3. Sri Y.Subbaiah, Assistant Executive Engineer(PR) has made further representation on 6.5.2009 requesting to compute the interruption period i.e., from 1.10.2007 to 17.03.2009 i.e., his previous service from 23.4.1991 FN to 30.9.2007 AN and also his present service commencing from 18.3.2009 FN onwards for continuous service for the purpose of service and other benefits. The same has been examined as per provision contained in Rule 30 of A.P. State & Subordinate Service Rules, 1996 and rejected by the Government vide Memo dated:24.11.2010.

4. Aggrieved by the above, Sri Y. Subbaiah, Assistant Executive Engineer(PR) has filed OA No.8406/2013 seeking direction to suspend the rejection orders of the Government. The Hon'ble Tribunal vide order 2nd read above while setting aside the Government memos has directed to reconsider the claim of the applicant for computing the previous service from 23.4.1991 to 30.9.2007 and interregnum period from 1.10.2007 to 17.3.2009 for the purpose of service benefits, as was done in similar cases by the Government and pass appropriate orders.

5. Government have examined the orders of the Hon'ble Tribunal in OA No.8406/2013, keeping in view of the Hon'ble Supreme Court in Punjab National Bank Vs. Astamija Dash (2008 (7) SCALE 726) held that persons absolutely similarly situated, should be treated equally and in Purnendu Mukhopadhyay vs. V.K. Kapoor (2008 (3) SCJ 560) held that the State cannot treat employees similarly situated differently and decided to implement the orders of the Hon'ble Tribunal in the above OA.

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6. Accordingly, Government hereby regularize the interruption period from 01.10.2007 FN to 17.03.2009 AN in respect of Sri Y. Subbaiah, Assistant Executive Engineer(PR), O/o Executive Engineer, Vigilance & Quality Control Division, Purchuru, Prakasam District as leave for which he is eligible, as a special case, in relaxation of relevant rules. This shall not quoted as a precedent case in a similar cases future.

7. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada shall take further necessary action in the matter accordingly.

8. This order issues with the concurrence of Finance (HR.IV) Department vide their e-U.O. No.33021/485/2017 Computer No.276643, dated:23.11.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RD)**

To

The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada.

The individual – through Engineer-in-Chief(PR), AP, Vijayawada.

Copy to:

The Finance (HR.IV) Department.

The Accountant General, A.P, Hyderabad.

The Director, Treasuries & Accounts Department, A.P. Vijayawada.

The District Treasury Officer, Ongole, Prakasam District.

The P.S to Secretary to Hon'ble CM.

The OSD to Hon'ble Minister(PR,RD, ITE&C).

The Prl. Secretary to Government(PR&RD).

SF/SCs.

//Forwarded::By Order//

SECTION OFFICER